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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,892	08/31/2006	Antonino Cultraro	Q90028	3710
23373 SUGHRUE MI	7590 12/22/200 ON, PLLC	EXAMINER		
2100 PENNSY	LVÁNIA AVENUE, N	WILLIAMS, THOMAS J		
SUITE 800 WASHINGTON, DC 20037			ART UNIT	PAPER NUMBER
			3657	
			MAIL DATE	DELIVERY MODE
			12/22/2008	PAPER

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time regy be available under the proteined of 3° CF11-139(b). This or which to whose, may a reply be timely liked  If NO period for regly is specified ablove. The resistance statutory parted will apply and vill expire SIX (5) MONTHS from the mating date of this communication.  Failants or regive within the sof or centred period for regive its profit and ablove printed will apply and vill expire SIX (5) MONTHS from the mating date of this communication.  Failants or regive within the sof or centred period for regive its profit of the profit o		Application No.	Applicant(s)				
Thomas J. Williams  Thomas	Office Action Comments	10/550,892	CULTRARO, ANTONINO				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Eathermost of term was be availated under the provisions of 37 CFR 1.19(a). In an event, nowers, may reply be timely find:  1 the Deprod for reply is specified above, the meantime statutory provide will apply and will exply set No. (10 MRI) from the mailing date of this communication.  1 Fallurs to reply when the sol or extended periods for ruph (1.5) yet ablest, cause the application to income ABANDONED (50 US. C) \$133.  Among the conversal of the communication of this communication, seen if simply field, may reduce any conversal paint into explanation. Set 37 CFR 176(3)  Status  1   Responsive to communication(s) filed on  2a  This action is FINAL. 2b  This action is non-final.  3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4   Claim(s) is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5   Claim(s) is/are allowed.  6   Claim(s) is/are allowed.  6   Claim(s) is/are objected to.  8   Claim(s) is/are objected to.  8   Claim(s) is/are objected to by the Examiner.  10   The drawing(s) filed on 27 September 2005 is/are: a)   accepted or b)   objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)   The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12   Acknowledgment is	Office Action Summary	Examiner	Art Unit				
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## **DETAILED ACTION**

1. Acknowledgment is made in the receipt of the preliminary amendment, the information disclosure statement and priority papers filed September 27, 2005, and the oath filed August 31, 2006.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 10, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by US 20030183039 A1 to Ohta et al.

Re-claim 1, Ohta et al. disclose a device for slowing movement, comprising: a casing 35 affixed to a fixed structure 30; a rotor 31 is housed within the casing and includes a disc portion 37 and a shaft portion 48 operatively fixed to a moveable structure 27, corresponding first and second opposing surfaces are formed in the casing and the rotor, respectively, the first surface has a recess for housing a pin portion of a pivotable arm 64, the second surface has an elongate groove 60, the groove has a cam portion 60c dividing the groove into a return path and a forward path, the cam portion releasable locks the pin in position.

Re-claim 2, the arm pivots relative to the pin portion, which is integral with the casing, see figure 6.

Re-claim 3, the arm element pivots within the recess.

Re-claim 4, the arm is formed as one piece.

Re-claims 5 and 6, the surface of disc portion of the rotor containing the groove may be interpreted as either the upper surface or lower surface depending upon how one views the device, as such the first surface is the base surface of the chamber and the second surface is the lower surface.

Re-claim 7, the respective surface face each other during rotation, see figure 2.

Re-claims 8 and 10, the first surface (casing surface) is the upper surface and the second surface (rotor surface) is the lower surface, when viewed with the rotor below the casing.

Re-claim 11, the rotor has a through hole, the through hole receives a rod element 52 defining a pivot axis for the moveable member 27.

Re-claim 13, retaining pawls 41 keep the surfaces close together during rotation.

## Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. in view of US 4,660,881 to Komeya et al.

Re-claims 9 and 12, Ohta et al. fail to teach the disc portion of the rotor having a plurality of vanes extending radially therefrom, in particular having vanes extending from disc rotor surface 37b. Komeya et al. teach a rotation damper having a viscous fluid, wherein a rotor is provided with vanes 84 extending into the fluid for providing rotational resistance, see column 6 lines 28-31. It would have been obvious to one of ordinary skill in the art to have provided the

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rotor surface 37b of Ohta et al. with vanes as taught by Komeya et al., thereby providing a

greater resistance to rotation.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Foggini, Kim et al., Cultraro and Arakawa each teach a rotary damper with a

releasable stop surface.

7. Any inquiries concerning this communication or earlier communications from the

examiner should be directed to Thomas Williams whose telephone number is 571-272-7128.

The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 571-272-6584.

**TJW** 

/Thomas J. Williams/ Primary Examiner, Art Unit 3657

December 17, 2008